IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12881 of 2004

Between:

M/s. Maheshwari 70 MM theatre, Kachiguda X Road, Hyderabad.
Rep. by its Manager I. Purnachander Rao.

..... PETITIONER

AND

1.The Government of A.P., Rep. by its Principal Secretary Home,
Secretariat, Hyderabad.
2.The Commissioner of Police & Licensing Authority, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the G.O.Rt.No.998 Home (General A) Department Dt. 6-7-2004 of the 1st respondent as illegal, null void and against the principles of natural justice.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

This writ petition is filed questioning the order passed by the first respondent dated 06.07.2004, whereunder the Appeal filed by the petitioner theatre against the proceedings of the second respondent-Commissioner of Police dated 27.05.2003 suspending the B-Form licence held by the petitioner theatre for a period of one month was dismissed.

The only contention raised by the petitioner is that the impugned order was passed without affording an opportunity of personal hearing. It is stated that though the petitioner was served with a notice dated 19-02-2004 informing that the Appeal would be heard on 25-03-2004, on that day the matter was not taken up and thereafter no further date was fixed for hearing and the petitioner was not heard and the impugned order was passed dismissing the Appeal and merely confirming the order of suspension which is in violation of the principles of natural justice and liable to be set aside in limini.

This Court, while directing notice to the respondents, by order dated 22.07.2004 granted interim suspension of the impugned order.

Though the matter underwent four adjournments, no counter affidavit has been filed so far on behalf of the respondents nor any material is placed before this Court to show that the petitioner was afforded an

opportunity of personal hearing before passing the impugned order. Thus, the averments in the writ petition stood uncontroverted and the same shall be taken to have been admitted.

In the circumstances, without expressing any opinion on merits, the impugned order dated 06.07.2004 is set aside and the Writ Petition is disposed of with a direction to the first respondent to pass appropriate orders afresh in the appeal after due notice to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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04.11.2004

VGB

To

1.The Principal Secretary, Government of A.P., Home,
Secretariat, Hyderabad.
2.The Commissioner of Police & Licensing Authority, Hyderabad.

3.2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

4.2CD copies